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In re Application of :
Gambini et al. :
Application No. 09/700536 :
PCT No.: PCT/US99/11088 :
Priority Date: 17 May 1999 :
Int. Filing Date: 16 May 1998 :
For: Instrument for Monitoring :
Polymerase Chain Reaction :
of DNA :
: DECISION ON
: PAPERS UNDER
: 37 CFR 1.42

This is a decision on the "Renewed Request Under 37 CFR 1.42" filed on 10 August 2001.

The renewed request is accompanied by a declaration of the inventors signed on behalf of deceased joint inventor John Atwood by both Judith Atwood and Susan Atwood-Stone in their capacity as co-executrix of his estate. However, the declaration is deficient in that it still does not identify the citizenship of John Atwood. It is noted that applicants have pointed to the first page of the international application for an indication of Mr. Atwood's citizenship. However, 37 CFR 1.497 requires that such indication appear on the declaration itself. Accordingly, it would be inappropriate to accord the application status under 37 CFR 1.42 on the basis of the present record.

The request is **DISMISSED**, without prejudice.

If reconsideration on the merits of this request is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

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